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The Idaho Courts Annual Report For 1984

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Court Committee Recommends Reforms

VICTIMS' RIGHTS MOVEMENT ARRIVES IN IDAHO

For the Idaho court system, 1984 was the year of the victim, and the work of a court committee helped make it a very good year, indeed.

In recent decades, the administration of justice has focused on the due process rights of defendants. Often, crime victims and witnesses have been overlooked, their treatment characterized by an almost institutionalized disinterest.

Today, that disinterest is giving way to a nationwide wave of sentiment that victims and witnesses must be treated with greater dignity and given an expanded role in the criminal process. In 1984, that sentiment took Idaho by storm.

In the late 1970's, national and local victim assistance organizations began pressuring legislators for statutory guarantees of better treatment for victims. In 1982, Congress responded by adopting the Victim and Witness Protection Act, which mandated restitution for victims of federal crimes. In 1983, the report of the President's Task Force on Victims of Crime, along with grants from the U.S. Department of Justice, fueled publications and seminars on victims' rights throughout the country.

In a key development for state courts, the National Judicial College in Reno, Nevada, sponsored in November, 1983, a national conference on victims' rights, attended by judges from each of the fifty state judiciaries. A formal "statement" adopted at this conference proposed principles and recommended practices for judges to follow in improving treatment of victims and witnesses, and helped to boost awareness among state court judges of victims' rights issues.

The victims' rights movement surfaced in Idaho during the 1984 legislative session. A comprehensive victims' rights bill proposed by Attorney General Jim Jones was introduced in the Legislature, along with five other bills on the subject. While most of the bills failed to pass, the debate raised public and institutional awareness of victims' rights issues.

Donaldson Appoints Committee

Citing the need to bring courts, prosecution, defense counsel, law enforcement and legislators together to develop the best practices for Idaho, Idaho Supreme Court Chief Justice Charles R. Donaldson appointed a special Committee on Victims' Rights in May of 1984. The Committee was chaired by Fourth District Judge Robert Rowett, an attendee at the 1983 National Judicial College conference. The Committee, and legislative drafting subcommittees, met throughout 1984, and reviewed research and heard presentations by judges, court administrators, Pardons and Parole Commission representative and legislative leaders, including Senate Judiciary and Rules Committee Chairman Roger Fairchild, and House Judiciary, Rules and Administration Committee Chairman Larry Harris. The Committee's final report, issued in December of 1984, was a solid vote for construc-

(Continued on Page 7)

COURTS ADOPT, MEET TIME STANDARDS TO CUT DELAY

How long is too long when it comes to finally resolving a civil dispute? One person's idea of unreasonable delay can be another's perception of a speedy trial, depending on your perspective. And changing perspectives is what it was all about, when the Idaho courts became the first state judiciary to adopt national time standards for case processing. And, by the end of 1984, the trial courts were meeting (see page 5) those standards.

On October 18, 1984, Idaho Supreme Court Chief Justice Charles R. Donaldson announced that the Supreme Court had adopted time standards for processing various types of cases in the trial courts. (See inset, page 5.) The standards are to serve as guidelines for judges, lawyers and litigants to assist them in determining the average length of time it should take to conclude a case in the trial courts. While extenuating circumstances might cause an individual case to take longer than the standard, the time standards will be a gauge for the longest period of time it generally should take for a case to reach conclusion.

The Idaho time standards are almost identical to national time standards adopted and recommended by the Conference of Chief Justices and the Conference of State Court Administrators--national organizations consisting of the chief justice and state court administrator from the 50 states. Idaho thus became the first state to adopt these national time standards, paralleling efforts being made throughout the nation to

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HIGHLIGHTS

TRIAL COURT CASELOADS RISING

A 5.7% increase may signal a return to growth patterns of the 70's.

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DUI REPORT

With the State's "tough" new DUI law only 18 months old, misdemeanors are on the rise.

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APPELLATE FILINGS, DISPOSITIONS SET RECORD

Judges struggle to keep up with the growing number of appeals.

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OLDER CASES CUT BY 60%

Dismissal calendars are busy as trial judges help Chief Justice move four-year old cases.

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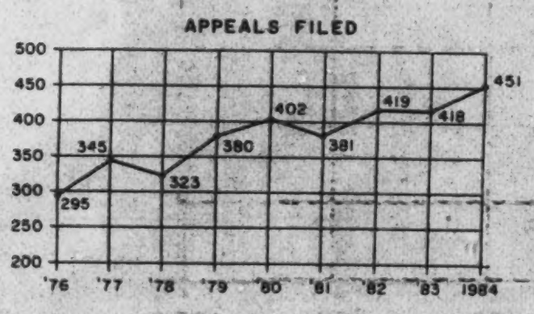
Supreme Court Current

APPELLATE FILINGS, DISPOSITIONS, SET RECORD

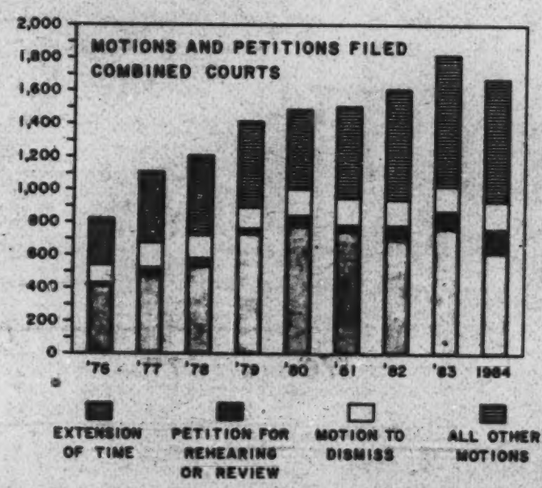
While state judiciaries throughout the nation have been struggling with increasing caseloads in recent years, nowhere have the increases been greater than in the appellate courts. Nationwide, trial court caseloads have risen by 20% since 1978, but appellate court caseloads have climbed by 30%.

Idaho has not been an exception to national trends, and the business recession which depressed trial court case filings in the early 1980's seems only to have slowed, not reversed, the growth of appellate litigation. Appellate filings in 1984 were at the highest point in the history of the state. The 451 filings (including 10 petitions for review accepted from the Court of Appeals) were 7.9% higher than the 418 total filings in 1983.

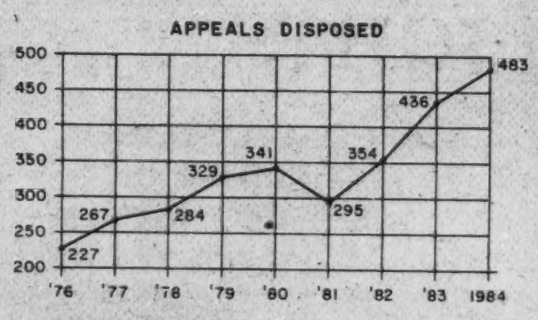


Court officials still are hesitating to predict whether appeals might level off for the immediate future. Recent research finding that appellate filings lag behind business expansion by 3 to 4 years, may indicate that the appellate courts are in for a renewed round of increases in appellate filings as the business recovery takes hold in the state. Also, it is uncertain whether the increase in the statutory interest rate on judgments and the increased ability of the appellate courts to hear cases since the creation of the Court of Appeals yet may reduce filings or lead to a higher rate of settlements before oral arguments.

Petitions and motions decreased in 1984, but continued to be a considerable strain on Idaho's system. During 1984, 1,678 new petitions and motions were filed with the courts. The courts dealt finally with 1,647. The number of petitions and motions dropped during 1984 8.2% from the 1983 record total of 1,827. Also filed with the court during the year were 29 original proceedings and 16 attorney discipline matters.

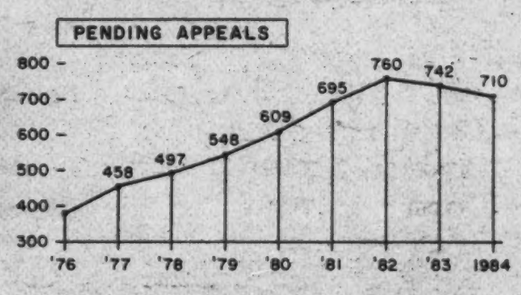


For the third year in a row, appellate dispositions set an all time record. During 1984, the Supreme Court and Court of Appeals disposed of 483 appeals, a 10.8% increase from the record 436 dispositions in 1983.



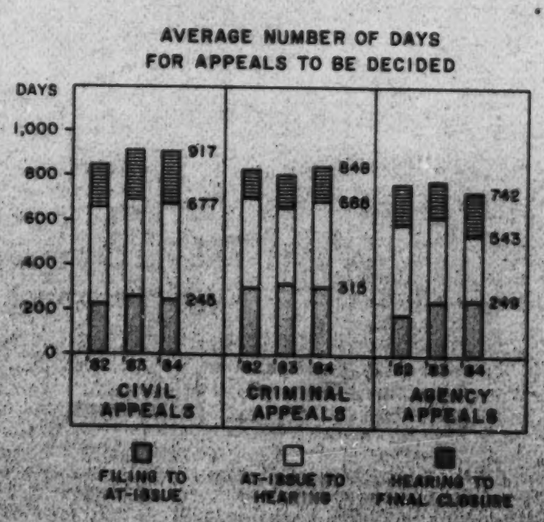
During 1984, the Supreme Court disposed of 152 appeals by majority opinions, the Court of Appeals disposed of 153 by majority opinions, and a Special Panel of Supreme Court Justices and retired district judges disposed of an additional 8 appeals. This was a substantial productivity increase for the third straight year.

The total number of appeals pending has risen steadily and sharply since 1974. But in 1983, for the first time in the decade, the number of pending appeals was less at the end of the year than at the beginning. At the end of 1983 there were 18 fewer appeals pending than at the beginning of the year. That trend continued in 1984, which saw a further reduction of 32 pending appeals. This decrease of 50 pending appeals was achieved during a period which was marked by record high numbers of appeals filed.



Raw numbers of pending appeals do not tell the whole story: the amount of time people must wait to have their appeal decided is of more importance to individual litigants, and in this statistic there has been considerable improvement.

During 1984 it took an average of 872 days from the time an appeal was filed with the Supreme Court until either the Supreme Court or Court of Appeals finally concluded its work on the case. While higher by one day than 1983's average, it was one day less than 1981, the year before the creation of the Court of Appeals.



Both courts helped cut down the total amount of time it takes from when a case is fully briefed and ready to be argued until oral argument is held. That delay averaged about 13 months, and the Supreme Court was current in hearing cases in Twin Falls, Pocatello, Idaho Falls, Coeur d'Alene, and Lewiston.

ON THE RECORD

"Attempting to change attitudes about what is an acceptable measure of delay is one of the most important elements in fighting the delays which have plagued the nation's courts for decades...When the attitude that delay is acceptable or somehow inevitable in the trial courts is changed, cases can be moved more quickly and the public is better served."

--Chief Justice Charles R. Donaldson, on the adoption of time standards for Idaho's trial courts.

"It will be the continuing duty of officials responsible for the administration of justice to insure that crime victims, so long the neglected participants in criminal prosecutions, will never again be forgotten by the system."

--Final Report of the Supreme Court Committee on Victims' Rights.

"This failure to maintain the standard of living of judges has created a situation in which the earning power of an experienced and competent attorney now far exceeds that of a judge and makes the financial sacrifice of being a judge unreasonably large. Judicial salaries will probably never equal those of competent attorneys, but the disparity must be substantially reduced so that good and experienced attorneys will choose the judiciary as a career."

--Andrew Schwam, in announcing his resignation as a district judge to enter private law practice.

THIS YEAR IN THE COURTS

DEVAMP OF JURY PRACTICES
A statewide committee compares Idaho practices against national standards and is planning a new orientation program for jurors.

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DELINQUENCY COMPLAINTS AT TEN-YEAR LOW
Aging of the offspring of the baby boom generation may be affecting juvenile crime in Idaho.

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DRUG CASES DROP 8.9%
1984 filings decline in adult and juvenile categories.

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5.7% Increase Statewide

TRIAL COURT CASELOADS RISING

The end of the economic recession in Idaho has marked the return of a familiar fixture to the courts--increases in caseload. After a two-year pause in the steady caseload growth of the 1970's, trial court caseloads have again begun to rise, perhaps signaling the dominant trend of the 1980's.

After an almost 8% decline in new case filings in 1981 and 1982, new cases coming into the state courts climbed by 1.6% in 1983, and in 1984, the growth rate increased to 5.7%, with 318,476 new trial court filings, as compared to the 301,359 new filings in 1983.

Changing Growth Patterns

During the decade of the 1970's, new cases had been filed in the Idaho courts at an almost uniform 4-5% annual increase. State officials became accustomed to predictable growth and responded accordingly, by building new courtrooms and adding more judges to accommodate heavier workloads.

The growth in trial court business had a number of contributing factors during the 1970's, including the sharp growth of Idaho's population and the increased number of attorneys admitted to practice. Between 1970 and 1980, the state's population grew by 32% from 713,015 to 943,935, and the number of attorneys almost tripled, from about 600 to 1,540. An economic upswing may signal a return to the increasing caseload trends of the 1970's in the latter half of the 1980's.

Winners and Losers

An increase in traffic cases accounted for 69% of all the increase in trial court filings in 1984. During the calendar year, new traffic cases were up by 11,807 a 5.9% increase from 1983's 199,894 new cases.

The growth in traffic filings coincided with an Idaho State Police announcement of the hiring of a dozen new officers and the purchase of new radar equipment, part of the federally funded Task Force 55 program. Improving economies may also be contributing to greater attention to traffic offenses by county and city law enforcement agencies.

Civil filings in the district courts, which have been decreasing steadily since 1980, remained at just about the 1983 level in 1984, increasing by only six cases to 5,406. This figure is a decline of 29.7% from the 1980 level.

Small claims department filings remained constant, with the 14,167 new complaints filed in 1984 only a 1.3% ebb from the 1983 total of 14,360, and down considerably from the 1982 record high of 16,444. Court watchers had speculated that the 1982 record number of small claims filings may have been spurred by recession-pressed plaintiffs choosing to file suit against asset-poor defendants in the small claims departments, waiving balances of claims above $2,000, rather than paying attorney fees to gain a judgment in the magistrate division which might be uncollectable.

Overall, magistrate division case filings increased by 5.8%, from 292,026 in 1983 to 309,107 in 1984.

Other trends in the magistrate divisions: domestic relations cases are up; personal injury/property damage cases are stable. By far the biggest jump in new cases was recorded in child support matters, where the 4,952 cases are an increase of 35% over the 1983 total of 3,665 cases.

Dispositions Up

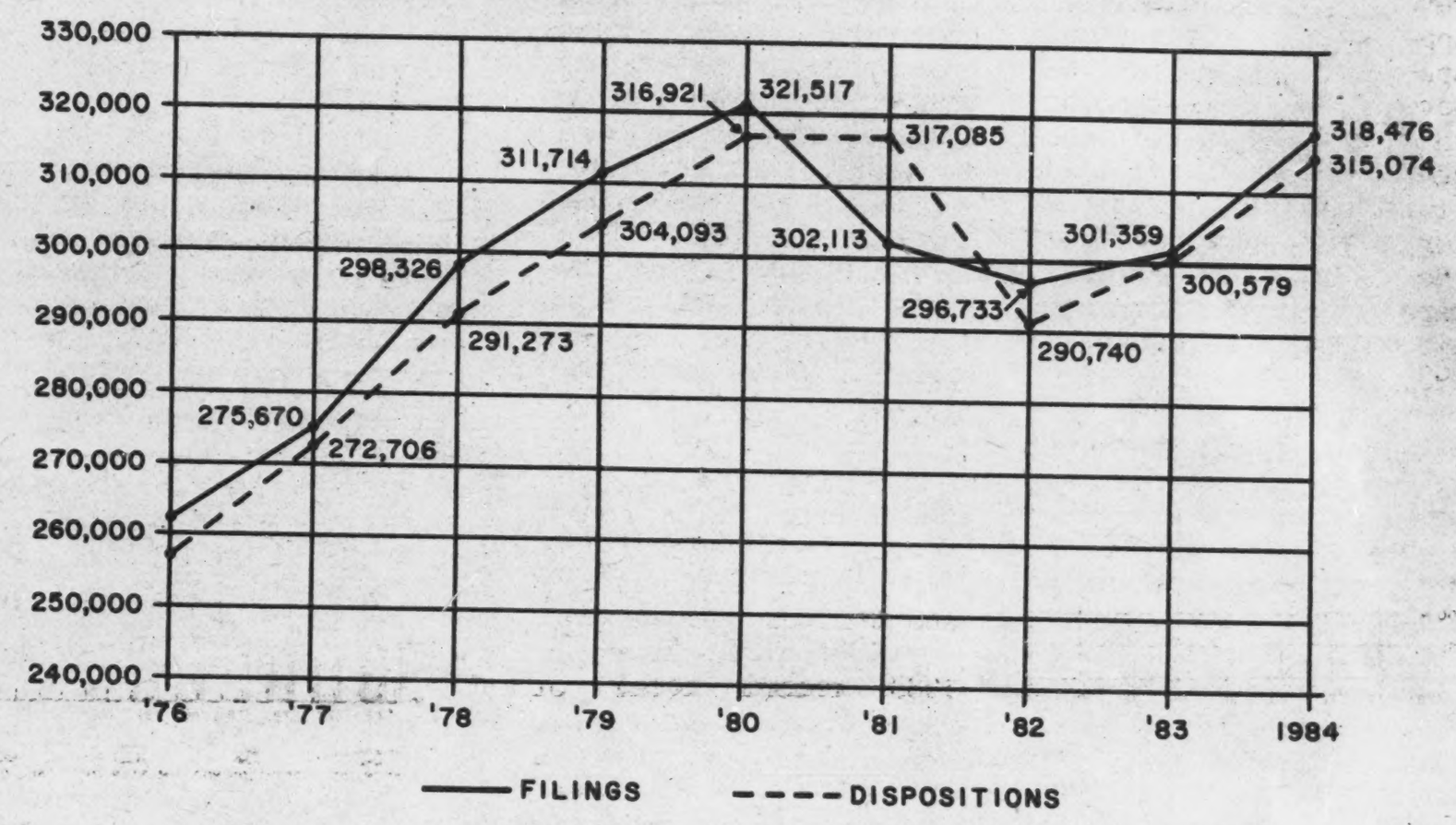
Despite reports from trial judges that individual cases have become more complex and that the time required to dispose of individual cases has expanded, the trial courts increased their overall dispositions in 1984.

District judges and judges of the magistrate division disposed of 4.8% more cases in 1984 than in 1983, disposing of 315,074 cases during the past calendar year, as compared with 300,579 cases in 1983. The number of cases pending in the trial courts nonetheless rose by 6.5% in 1984 from 50,119 on December 31, 1983 to 53,393 on December 31, 1984.

The average number of new cases filed for each district judge in the state in 1984 was 284 cases, while the average for judges of the magistrate division was 4,546 new cases. This compares with new case filings in the prior year of 283 cases per district judge and 4,172 new cases per magistrate judge. The district judges disposed of an average of 273 cases per judge during the year, while the judges of the magistrate division averaged 4,501 dispositions per judge.

Of the civil cases which received a final judgment in the trial courts in 1984, 6,826 or 10.6% were disposed of with a court or jury trial. On the criminal side, 96.8% of these cases were disposed of through pleas or dismissals, while 8,088 or 3.2% received a court or jury trial.

CASE FILINGS AND DISPOSITIONS IN TRIAL COURTS



Magistrate Appeals

Appeals from the magistrate division to the district court continued to rise in 1984, adding to district court caseloads. In 1984, district courts received 678 appeals from magistrate decisions, up 13.6% over the 597 appeals filed in 1983. District judges disposed of 655 magistrate division appeals in 1984, leaving 423 appeals pending at the end of the year.

Details Available

Upon request, interested parties may obtain from the Administrative Office of the Courts detailed summaries by case type, showing filings, dispositions, and pending cases for the district court and magistrate division statewide, by district and by county.

The Idaho Courts Annual Report is published pursuant to Idaho Code § 1-612

ON BEHALF OF THE SUPREME COURT OF IDAHO
Chief Justice Charles R. Donaldson

Justices: Allan G. Shepard, Robert E. Bakes, Stephen Bistline, Robert C. Huntley Jr.

BY THE ADMINISTRATIVE OFFICE OF THE COURTS
Carl F. Bianchi, Administrative Director of the Courts
Business Manager: Laurie Demko
Charts and Illustrations: John Blout

Felonies Charged as Misdemeanors Cloud Picture

DUI REPORT: MORE, BUT LESS

In 1983, the Idaho Legislature passed a "tough" new law to deter drunken driving, and, at first, it seemed to be working. Immediately after the new law took effect on July 1, 1983, DUI charges dropped sharply statewide, and there were claims that tougher sentences were discouraging drivers from drinking. In 1984 --partly because of a quirk in the law--misdemeanor DUI offenses have returned to the levels which were commonplace before the new Act went into effect, but the total number of DUI cases is less than last year.

In pre-law (before the new DUI law went into effect) days, misdemeanor DUI complaints were increasing at 5% to 10% per year, and the first six months of 1983 saw DUI cases jump to a statewide average of 1,086 per month--the highest in a decade. After the new DUI law went into effect, the second six months of 1983 saw the first significant decline in DUI cases in years, with the statewide average slipping to 923 per month. But in 1984, misdemeanor DUI cases were filed at a rate of 1,032 per month, statewide, and 1984's total of 12,386 new filings was the highest total in Idaho's history, and a 2.8% increase over 1983.

Fewer Felonies The Reason

Charging felonies as misdemeanors could be part of the reason for misdemeanor increases. The new DUI law allows prosecutors to upgrade a misdemeanor to a felony only when prior DUI convictions occurred after July 1, 1983. Thus, DUI defendants who might otherwise have been prosecuted on a felony charge were given a clean slate as of that date. As a result, the number of DUI felony complaints has dropped sharply since July 1, 1983, to the lowest number--90 complaints--in the last 10 years. (See chart, below.)

STATEWIDE DUI FILINGS
1975 THROUGH 1984

YEAR	FELONY	MISDEM.	TOTAL DUI	% FELONIES
1975	223	6,288	6,511	3.4
1976	236	6,614	6,850	3.4
1977	280	7,561	7,841	3.6
1978	263	7,628	7,891	3.3
1979	321	8,234	8,555	3.8
1980	339	9,343	9,682	3.5
1981	364	10,153	10,517	3.5
1982	422	11,239	11,661	3.6
1983	515	12,054	12,569	4.1
1984	90	12,386	12,476	0.7

Given that many DUI complaints filed in 1984 as misdemeanors would otherwise have been filed as felonies were it not for the new DUI Act's restriction on use of prior convictions, the increase in misdemeanor complaints can be seen as an offset to the decline in felonies. Had the same number of felony complaints been filed in 1984 as in 1983, the monthly average of misdemeanors in 1984 might have been closer to the average of the second six months under the new DUI law, and still lower than the rate of complaints before the new Act went into effect.

It is difficult to determine through statistics the exact cause for increases or decreases in DUI complaints. Judges' sentences are harsher under the new Act, but the state has discontinued the barrage of anti-DUI publicity which heralded the enactment of the new law, and which may have been a short-term deterrent to drunken driving. Law enforcement agencies may be stepping up their efforts against drunken driving, and increases in case filings may not necessarily signal a return to undesirable driving behavior patterns.

More Trials

The number of DUI cases going to trial, which had increased from about 3% in "pre-law" days to 12% in December of 1983, appears now to have stablized at about 7% of the dispositions statewide in 1984. In Ada County, however, at least 23% of the DUI cases are going to trial, and Ada County itself accounted for 56% of the DUI trials in the state in 1984.

More Jail Time

DUI defendants continue to be jailed at higher rates than before the new law went into effect. During 1984, 65% of the defendants who appeared before a judge for sentencing on misdemeanor DUI charges were sentenced to jail. Prior to the new DUI law, only 43% of the defendants appearing before a judge received a sentence including incarceration.

Plea Bargaining

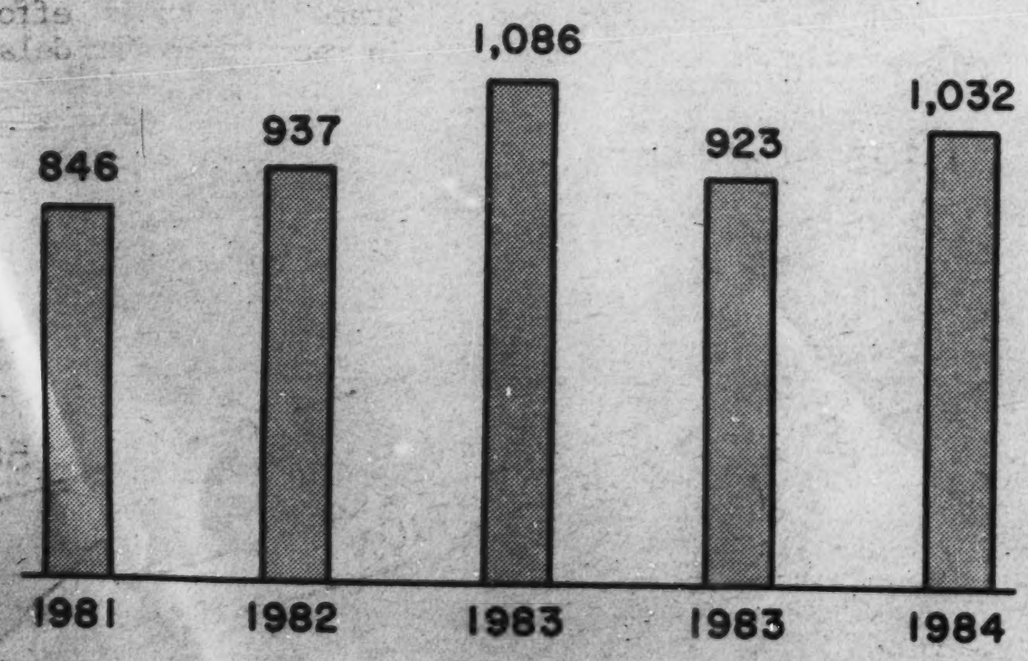
About 73% of the DUI defendants pled guilty to DUI charges in 1984, down 4% from the 78% average of defendants who pled guilty prior to the new law.

The number of defendants pleading guilty to reduced or amended charges--"plea" or "charge bargains"--appears now to have stablized at about 15% of dispositions, down from a high of 19% in December of 1983. In Ada County, the number of defendants pleading guilty to a reduced or amended charge dropped from a high of 42.3% in December 1983, to an average of 29% in 1984.

Speculations

While it is still too early to predict long-term trends, the new DUI law coupled with educational efforts may have contributed toward an interim decline in the number of drunken driving charges being brought to the Courts. But in 1984, DUI charges began climbing back to earlier levels. For a long-term change in the DUI picture, it will take a combination of tough penalties, increased law enforcement and public education to take the drinking driver off the road.

AVERAGE MONTHLY FILINGS MISDEMEANOR DUI CASES



TRIAL COURTS MEET NATIONAL TIME STANDARDS

Measuring Idaho's trial court performance against national standards has brought to light one positive feature of court operations: trial judges generally are meeting national time standards adopted by the Idaho Supreme Court for the disposition of cases. While a few individual courts were still above the standards, by the end of 1984, the trial courts as a whole were disposing of cases within the standard length of time set for each type of case.

Reducing delay in the trial courts is important. In many cases, the amount of time it takes to get a decision is almost as important as the decision itself. How can one measure how long a defendant should wait in a jail cell before his case is heard, or what is a reasonable wait for a parent in a child custody action? While Idaho has never experienced the five-year trial delays of some of the urban states, the judiciary nevertheless is concerned about delay and has begun measuring its performance.

Even after a case has been filed in a court, there are many reasons for delay which are beyond the courts' control. Problems in scheduling witnesses, late filing of attorney briefs, extensions of time to obtain appointed counsel, and extra time needed for presentence reports can delay final disposition of a case.

Before Idaho adopted time standards, civil case operating times had been left up to individual litigants, although recently the courts have become more active in managing the civil calendars. Criminal cases always had received a priority in court scheduling. Partly because of statutory time limits in criminal cases, felony and misdemeanor processing times are much less than civil cases. But with the help of new time standards for civil cases, litigants in personal injury lawsuits, contract disputes, and domestic relations controversies may be able to look toward a speedier resolution of their disputes.

Reports from the trial courts in December of 1984 showed that on average civil cases in the district court were being closed in 4 months less than the 18-month standard set by the Supreme Court, while magistrate judges were disposing of civil cases in about 4 months, as against the 6-month standard. Similar performances were registered in criminal cases, domestic relations disputes, and small claims. (See inset.)

While noting that the Supreme Court would be working with individual trial courts and judges where delays are still occurring in an effort to insure that all court locations in Idaho meet the standards, Chief Justice Charles R. Donaldson expressed optimism: "Our district judges and magistrates deserve to be commended for their efforts in working to meet these standards. I hope that the perception that court delay is inevitable is being dispelled. Making quality decisions more quickly will better serve the public."

TRIAL COURT TIME STANDARDS

TYPE OF CASE	STANDARD
Civil	
District Court:	18 months from complaint
Magistrate: (except probate)	180 days from complaint
Felonies:	180 days from first appearance in magistrate division
Misdemeanors:	90 days from first appearance
Domestic Relations:	180 days from complaint
Juvenile	
Detention Hearing:	Within 24 hours excluding holidays
Adjudicatory Hearing:	15 days from petition
Disposition Hearing:	Within 45 days of adjudicatory hearing
Small Claims:	60 days from complaint

HOW THE TRIAL COURTS COMPARE TO IDAHO'S TIME STANDARDS
(CASES DISPOSED IN 1984)

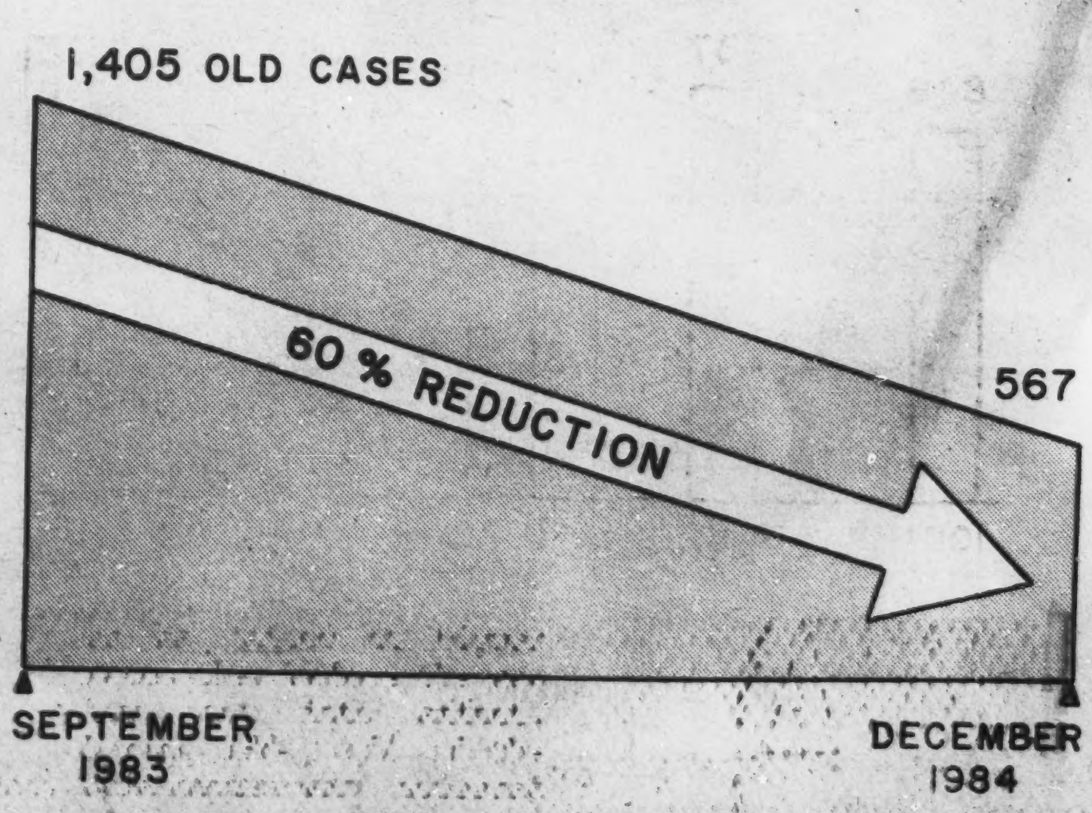
Type of Case	Court Level	Adopted Standards (in days)	Statewide Average of Cases Disposed (in days)
All Civil Cases	District	540	429
All Civil Cases	Magistrate	180	124
Domestic Relations -Only-	Magistrate	180	107
Small Claims -Only-	Magistrate	60	50
Felonies	Magistrate & District Combined	180	140
Misdemeanors (Non-Traffic)	Magistrate	90	88

OLDER CASES CUT BY 60%

Continuing a program begun in the fall of 1983, Idaho trial judges have made significant inroads in the number of older cases pending in the court system. By December 31, 1984, the number of four-year old or older cases pending in the court system had been reduced by 60%, from 1,405 to 567.

Since the court system has thousands of active cases which are aging constantly, progress in reducing the number of older cases has required identifying and monitoring older cases by computerized reports. Monthly dismissal calendars have been established in some counties, and administrative judges and trial court administrators have assisted in reviewing older pending cases to expedite their handling.

As the year ended, trial judges were asked to focus their attention on three-year old cases, and Chief Justice Charles R. Donaldson commended judges throughout the state for their efforts in reducing court delay.



ACTIVE 4-YEAR OLD AND OLDER CASES PENDING IN THE TRIAL COURTS

COURTS ADOPT, MEET TIME STANDARDS . . .

(Continued from Page 1)

reduce delays in state courts.

Adopting time standards was only part of a broader effort by the Supreme Court and trial judges to speed up decisions. Judges have been working since 1983 to reduce the number of older cases in the court system, to cut down on the time it takes to decide appeals, and to take a more active role in trial court calendar management. Court efforts have found strong support also from the Idaho State Bar Commission and practicing lawyers. As Chief Justice Donaldson noted, "Idaho citizens generally have not experienced the types of delays which are occurring in the court systems of some other states, and the judiciary's actions in adopting time standards will go a long way toward insuring that our citizens never do experience those types of delays."